

U.S. Application No.10/669,923 Examiner Tieu, Art Unit 2643
Response to September 16, 2005 Office Action

RESPONSE

The Examiner rejected claims 1-3, 10-13, and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Fleischer, III et al. (U.S. Patent No. 5,974,133) in view of Smith et al. (U.S. Patent No. 6,404,876). Further, the Examiner rejected claims 4-9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Fleischer, III et al. (U.S. Patent No. 5,974,133) in view of Riskin et al. (U.S. Patent No. 4,757,267). In response, Assignee has amended independent claims 1, 11, and 16 to include additional limitations. Further, Assignee points out specific reasons and support that the Examiner's assertions are erroneous and fail to establish obviousness.

March 7, 2006 Interview:

On March 7, 2006, Examiner Binh K. Tieu, Bambi Walters (Attorney for Assignee), and Sam Zellner (Assignee) participated in an in person interview and discussed independent claims 1, 11, and 16 and the cited art. Participants agreed to amend claims 1 and 11 with similar claim language to the parent applications and to replace the terms "LATA" with "a telecommunications service area." Further, the participants agreed that claim 16 overcame the cited art and no amendments to claim 16 were necessary.

CLAIMS 1-3, 10-13, and 15-16:

In his reasons alleging obviousness of claims 1, 11, and 16, the Examiner stated "Fleischer et al. ("Fleischer") teaches a method and apparatus for billing a subscriber for a local toll-free communication comprising: receiving information related to an originating number (i.e., location code, etc., col. 23, line 40 – col. 24, line 54); transmitting the originating number information to a network element (i.e., SCP 101 as shown in figure 3, col. 25, lines 37); receiving information related to a terminating number (i.e., terminating NPA-NXX, etc.); comparing the geographical location of the originating number information to geographical location of the terminating number information; if the comparison is within the same LATA (i.e., matched LATA), routing the originating number to at least one participating local switch (i.e., SSP) serving the terminating number (col. 31, line 45 – col. 32, line 5; col. 32, line 66 – col. 33, line

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30 and col. 35, lines 26-46); completing the local toll-free communication to the termination number; and transmitting a call record to a billing database. It should be noticed that Fleischer fails to clearly teach the feature of billing the local toll-free communication. However, Smith et al. ("Smith") teaches such feature in col. 10, lines 30-59 and col. 15, lines 14-37 for a purpose of compensating to local service providers for their routing services." Office Action, pp. 2-3. Assignee respectfully finds that Examiner's 103(a) rejection of claims 1, 11, and 16 are clearly erroneous.

Pursuant to MPEP § 706.02(j), "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 706.02(j), Eight Edition August 2001. The Examiner fails to establish these three criteria.

Assignee claims a method for billing a subscriber for a local toll-free communication that includes: receiving information related to an originating number; transmitting the originating number information to a local intelligent network element; receiving information related to a terminating number; transmitting the terminating number information to the local intelligent network element; having the local intelligent network element compare the geographical location of the originating number information to the geographical location of the terminating number information, *if the comparison is within the same telecommunications service area, routing the originating number to at least one participating local switch serving the terminating number; completing the local toll-free communication to the terminating number; transmitting a call record to a billing database; and billing the local toll-free communication. See amended claim 1 (emphasis added by Assignee). See also amended claims 11 and 16.*

However, Fleischer discloses:

A multiple location communications network associated with a *private network* in an advanced intelligent communications system, the advanced intelligent communications system comprising a service control point, a two-way communications network interconnecting a plurality of network service switching points and a plurality of non-network service switching points, and selectively establishing communication between at least two of a plurality of geographically dispersed locations coupled to the network and non-network service switching points, the at least two locations including an originating

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station and a terminating station, the multiple location communications network comprising:

means for forwarding, from the service control point to the one network service switching point, a query response comprising routing information including a routing path between the originating station and the terminating station; and

means for establishing the communication connection between the originating station and the terminating station based on the query response and the at least one dialed digit;

wherein when the originating station is a non-network location, the call request includes a designated number to append the non-network location to the private network, the designated number being entered prior to entry of the at least one dialed digit;

wherein the service control point comprises means for verifying that the one non-network location is authorized to be appended to the private network such that when the verifying means determines that the one non-network location is authorized to be appended to the network, the one non-network location becomes an appended location of the private network.

Fleischer et al., claim 1 (emphasis added by Assignee). Thus, as claimed and discussed throughout Fleischer, toll-free communication is *not* encompassed by the Fleischer invention. Rather, Fleischer discloses aspects of a private network in communication with a multiple location communications network and claims interactions between the private network and the multiple location communications network *wherein when the originating station is a non-network location, the call request includes a designated number to append the non-network location to the private network, the designated number being entered prior to entry of the at least one dialed digit*. Still further, the col. 32, line 66 – col. 33, line 30 reference to the Fleischer et al. specification cited by the Examiner, specifically discuss “off-network” calls and that “... the subscriber may want to block the dialed NPA ‘800’ from being accessed by network users.” Fleischer et al., col. 33, lines 15-17. Thus, the Fleischer et al. reference(s) cited by the Examiner discuss “off-network calls” (e.g., calls originating from the private network to a terminating number not within the multiple location, communications network) and discusses that the private network subscriber may designate toll-free calls in the “ASF off-network table” for routing and/or blocking. For these reasons, the Fleischer et al. patent fails to disclose and/or suggest

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elements of Assignee's invention, including: (1) *if the comparison is within the same telecommunications service area, routing the originating number to at least one participating local switch serving the terminating number,* (2) *completing the local toll-free communication to the terminating number,* and (3) *billing the local toll-free communication.*

The other reference cited by the Examiner, Smith et al., fails to cure these deficiencies. More specifically, in regards to the Examiner's assertion that Smith et al. teaches the "feature of billing the local toll free communication," this assertion is erroneous. The references cited by the Examiner specifically state:

FIG. 4 illustrates deployment of the architecture of the present invention under local 800 access. Local 800 access works much the same as inter-exchange 800 access as described above with reference to FIG. 3, except that the CVD SCP is decentralized within LATA ABC, and thus no inter-exchange LATA facilities are necessary to transport calling party 112's voice to the CVD SCP for key word recognition and translation.

Thus, under this deployment, when SCP 317 reads access number 313 and recognizes it as a local 800 number, translation to the POTS number for the CVD service takes place within SCP 317, which houses the LEC's local 800 data base. The call is then routed to a local, and advantageously the nearest, exchange office 419 housing CVD.

Local residence of a CVD SCP facilitates differentiation between local terminating parties desired by calling party 112 and long-distance ones. Computer means 111 within the CVD SCP at local exchange office 419 may hold a data base of both local and national subscribers. The national set will advantageously be held at all CVD SCPs. Local sets will be held only at those local exchange offices to which they apply.

Once a match is made with key word 122 from calling party 112, translation into the POTS number for terminating party 126 allows differentiation as to whether the connection will be local or long distance. Although FIG. 4 illustrates an inter-exchange connection for long distance, it will be understood that if the connection was to be local, then switching within local exchange office 419 would enable the connection.

* * *

Once the callname has been translated into a number and a connection has been made, CVD then monitors to determine whether the call exceeds a predefined short period in length, such as 5 seconds (Blocks 816A and B), and if so, assumes that the connection is correct and the business is as intended by the calling party. In this case, if the business is a CVD subscriber, the billing account for the business is debited for the call (Block 820). If the business is

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not a subscriber, and the calling party has agreed to pay for the connection,
then a record of the call is made and is exchanged to the calling party's carrier
for calling party billing (Block 822).

Smith et al., col. 10, lines 30-59 and col. 15, lines 14-37 (emphasis added by Assignee). Assignee finds absolutely no support for the Examiner's assertion that Smith et al. teaches "the feature of billing the local toll-free communication" to "local service providers for their routing services." Rather, Smith et al. discloses *billing for voice recognition technologies* to allow someone to enter an access code and/or number and then speak the name, key word, or phrase of a subscribing business to wish they desire to be connected.

For these and other reasons, the cited references do not disclose or suggest, alone or in combination, the claimed subject matter. Accordingly, Assignee respectfully requests Examiner Tieu to withdraw the rejection of claims 1-3, 10-13, and 15-16 under 35 U.S.C. § 103(a) and to allow these claims pursuant to the agreed upon claim amendments.

CLAIMS 4-9 and 14:

The Examiner asserts that "[r]egarding claims 4-8, Fleischer teaches all subject matters as claimed above, except for billing record of the local toll-free calls. However, Riskin teaches such limitations of the claims in col. 8, line 37- col. 9, line 7. Riskin further teaches the potential customer called for item such as goods or services (See Abstract of Riskin patent) for a purpose of billing subscriber of 1-800 toll free number for toll free calls initiated by callers. . . . Regarding claims 9 and 14, Riskin further teaches limitations of the claims in col. 18, lines 36-48." Office Action, p. 4.

Similar to the remarks above regarding claims 1-3, 10-13, and 15-16, the Fleischer et al. patent fails to disclose and/or suggest elements of Assignee's invention, including: (1) *if the comparison is within the same telecommunications service area, routing the originating number to at least one participating local switch serving the terminating number,* (2) *completing the local toll-free communication to the terminating number,* and (3) *billing the local toll-free communication.*

The other reference cited by the Examiner, Riskin et al., fails to cure these deficiencies. Thus, the cited references do not disclose or suggest, alone or in combination, the claimed subject matter. Accordingly, Assignee respectfully request Examiner Tieu to withdraw the

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rejection of claims 4-9 and 14 under 35 U.S.C. § 103(a) and to allow these claims pursuant to the agreed upon amendments.

CONCLUSION

All of the rejections have been overcome. Further, none of the references cited by the Examiner, alone or in combination, disclose or suggest the claimed subject matter. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 1-18).

**AUTHORIZATION FOR PAYMENT OF FEES &
REQUEST FOR AN EXTENSION OF TIME**

Assignee respectfully requests an additional three month extension of time fee for the Response to the September 16, 2005 Office Action from December 16, 2005 to March 16, 2006.

Description of Fee	Amount
Three Month Extension of Time Fee	\$1020.00
Total	\$1,020.00

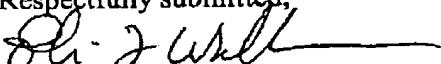
The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$1,020.00.

If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

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If the Office has any questions, the Office is invited to contact the undersigned at (757)
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Respectfully submitted,


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